

Chief Executive's Report

Submissions to Proposed Material Alterations to the
Draft Ferrybank-Belview Local Area Plan 2017



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1. Introduction

This report forms part of the statutory procedure for the making of a Local Area Plan (LAP). It addresses the submissions received during the 4 week public consultation period, from the 6th October to the 3rd November 2017, in relation to the Proposed Material Alterations to the Draft LAP.

The purpose of the report is to:

- (a) report on the written submissions/observations received during the public consultation period.
- (b) set out the Chief Executive's response to the issues raised in the submissions/observations and;
- (a) make recommendations to the Elected Members on the issues arising from the consultation process.

This report is being furnished to the Elected Members of Kilkenny County Council in accordance with Section 20(3) (l) of the Planning and Development Act 2000, as amended, for their consideration.

1.1 Details of Public Display

The documents put on public display for the Proposed Material Alterations to the Draft Local Area Plan were:

- Public Notice
- Proposed Material Alterations
- Appropriate Assessment Screening report
- Strategic Environmental Assessment screening

The documents were placed on the Consult.kilkenny.ie consultation website and on the Council's own website. Hard copies of the documents were on public display in the following locations:

- Planning Office, Kilkenny County Council, County Hall, John Street, Kilkenny
- Ferrybank Area Office
- Ferrybank Library
- Planning Department, Waterford City and County Council, Menapia Building, The Mall

Submissions could be made by:

- Email to ourplan@kilkennycoco.ie
- Online at consult.kilkenny.ie
- Written submissions to Director of Services, Planning, Kilkenny County Council, County Hall, John Street, Kilkenny.

2. Submissions Received

In total, 9 submissions were received to the Proposed Material Alterations to the Draft Local Area Plan, as set out below¹.

Ref.	Name
S1	Dept. Housing, Planning and Local Government
S2	Southern Regional Assembly
MA1	David Sutton
MA2	ETB, Liam Scott
MA3	Transport Infrastructure Ireland
MA4	William Neville c/o Peter Thomson
MA5	Port of Waterford Company c/o SLR Consulting
MA6	Suir Shipping C/O SLR Consulting
MA7	Waterford City and County Council

¹ The full text of the submissions received are available to view at the following link: <https://consult.kilkenny.ie/en/consultation/ferrybank-belview-material-alterations-draft-local-area-plan-2017>

3. Summary of Issues Raised, Chief Executive's Response and Recommendations

3.1 Submissions from Government Department

Name	Summary
S1 Department of Housing, Planning, Community and Local Government	<ol style="list-style-type: none"> 1. Department seeks that the LAP make reference to the National Planning Framework and include an objective to the effect that the LAP may be updated in the light of any future metropolitan area plan. 2. Department has no issue with additional office space at the Ferrybank District centre given the under-utilised nature of the centre 3. Department requests removal of proposed material alterations to Section 6.4.1 b and e in relation to nephews and nieces who live outside the plan area to avail of housing on land zoned for Agriculture, and a clarification on the definition of 'landowner'. 4. Planning Authority should ensure that LAP has had regard to all relevant international, national guidelines and circulars.
<p>Response:</p> <ol style="list-style-type: none"> 1. Section 1.9 of the LAP does make reference to the NPF, and the Material Alterations includes an objective in this regard as follows: <i>1F To examine the recommendations of the National Planning Framework and the Regional Spatial and Economic Strategy for the Southern Assembly and establish any implications for the local area plan and make amendments as appropriate.</i> 2. The Department initially sought removal of the alteration relating to the potential expansion of office use at the district centre. However clarification was provided on the rationale for the policies in the draft plan on office development at the District Centre, and enabling additional office use to help secure a sustainable use of an existing but underutilised development. The context for the inclusion of the provision allowing for further office capacity expansion is the potential for the centre to attract FDI, especially in the context of the current low levels of office space available within the greater Waterford Area. It is not intended that expansion of the office area would compete or divert office development in the existing City area but would be available in the context of a significant FDI investment. In this regard, the Department sent the Council an email dated 16.11.2017, stating <i>"your authority's proposals are acceptable to this Department given that they are fundamentally focused on securing a sustainable use of an existing but underutilised development"</i>. No change is now sought to the wording of the proposed Material Alterations. 3. Changes to Section 6.4.1 Housing on Lands Zoned for Agriculture were proposed at the September Council meeting. It is now considered that the policy as proposed under the Draft Plan should not be altered, in line with the Department's recommendation, pending the review of the Sustainable Rural Housing Guidelines for Planning Authorities 2005 in relation to Local Needs. 4. Noted. The council will ensure compliance with all relevant guidelines and circulars. 	
<p>Recommendation:</p> <ol style="list-style-type: none"> 1-2. No change recommended. 3. Recommend no alteration to Section 6.4.1 of the Draft LAP in relation to the policy on Housing on Lands Zoned for Agriculture and that the proposed alteration be omitted i.e. the text in the plan to read as follows: 6.4.1 Housing on lands Zoned for Agriculture a) Persons whose primary employment is in agriculture, horticulture, forestry or bloodstock, or 	

other rural based activity, in the area which they wish to build,
 b) Sons and daughters of the landowner
 c) Persons who are long standing residents in the immediate rural* area,
 d) Persons who owned land prior to the adoption of the previous Local Area Plan on the 16th March, 2009 (This date is a definitive time frame which will not be revised in subsequent LAPs).
 *Immediate rural area is considered to be the lands zoned for agriculture within the plan area.
 4. No change recommended.

3.2 Submission from the Southern Regional Assembly

Name	Summary
S2 Southern Regional Assembly	1. The Regional Assembly considers that there are no implications for regional policy or for the Core Strategy of the Kilkenny County Development Plan arising and the Regional Assembly has no further comments or observations on the Draft Plan.
Response: Acknowledged.	
Recommendation: No change recommended.	

3.3 Other submissions

Ref	Name	Summary
MA1	David Sutton	1. Objects to the LAP as it has been published that the proposed River crossing at Maypark, Waterford has been abandoned therefore the proposed road works at Christendom will not be connected to anything therefore they are also obsolete. 2. The proposal for the re-siting of the Meat factory/Rendering plant/refrigeration plant is essential.
<p>Response: 1. The Draft LAP (2017) retains the objective (10D) for a river crossing downstream of Rice Bridge, as provided for in the 2009 LAP. The objective for this bridge dates from the Waterford Planning Land Use and Transportation Study (PLUTS), which was commissioned by Waterford City Council in 2001, with the study being completed in 2005. The purpose of the PLUTS study was to provide a vision and strategy for the development of the city and its environs up to the year 2020. Both authorities adopted the PLUTS and remain committed to its implementation.</p> <p>This crossing remains an objective in the Waterford City Development Plan 2013-2019, section 6.2.6 Roads Infrastructure as follows:</p> <p><i>Extension of the Outer Ring Road with an appropriately designed and constructed downstream river crossing to complete the orbital road network and provide a distributor route around the city. Linking development areas to the north of the Suir to those on the south and providing traffic relief for the city centre and a further alternative crossing point of the river. PLUTS identified the optimal location for the river crossing in the Maypark area, but this will be subject to further feasibility and environmental assessment. (OBJ 6.2.6)</i></p> <p>Therefore, pending a review of the PLUTS and the adoption of a new strategy by both Councils,</p>		

<p>Kilkenny remains committed to the PLUTS as adopted.</p> <p>2. Noted, the Proposed Material Alterations (pages 5 and 6) include the proposed policy change as follows:</p> <p>4.6 Economic Development and Retail Objectives 4A: To encourage the relocation of Industrial activities from Christendom to a more suitable location within the area. (Inserted at Council meeting 18.9.2017 (D2, D29))</p>
<p>Recommendation:</p> <p>No change recommended.</p>

Ref	Name	Summary
MA2	Education and Training Board (ETB)	<p>The submission seeks;</p> <ol style="list-style-type: none"> 1. That the issues raised in their previous submission in respect of the need to provide Smarter Travel for both the school community and the local community have not been addressed and that the Council reconsiders its Transport objectives.
<p>Response:</p> <p>1. The issues raised in the previous submission were considered in full, and this consideration is detailed in the Chief Executive's Report on Submissions to the Draft LAP (September 2017). Active Travel is addressed fully in Section 10.4 of the Plan. In addition, the Material Alterations include a specific change to a Transport Development Management Standard as follows:</p> <p>10DMB To require Workplace Travel Plans <i>and School Travel Plans</i> for proposed trip intensive development <i>and schools</i>.</p> <p>Objective 10c requires the provision of cycle lanes on Abbey road and the R711. In addition a network of pedestrian/cycle linkages is shown on Fig 8.1 of the Draft plan which shows off road connections within the area to facilitate active travel.</p> <p>The Council will continue to work closely with Waterford City and County Council, and the Education and Training Board, in relation to improving pedestrian and cyclist safety in the vicinity of Abbey College.</p>		
<p>Recommendation:</p> <p>No change recommended.</p>		

MA3	Transport Infrastructure Ireland (TII)	<ol style="list-style-type: none"> 1. TII notes the proposal under Objective 1Eb to engage with the NTA in the preparation of any Transportation Strategy for the area, and requests consultation on any future Transportation Strategy for the area. 2. In relation to Objective 3b, which is "to improve the presentation of the national road network on the approach roads to Waterford City, to include the possibility of a landmark feature at the Newrath roundabout, in collaboration with Waterford City and County Council and the private sector", TII seek that any proposals should be developed in consultation with and subject to the agreement of TII. 3. TII advises that the DoECLG Guidelines policy is to avoid the creation of any access points from new development or the generation of increased traffic from existing accesses to national roads in areas where speed limits greater than 60 km/h apply. 4. TII notes that no proposed material alterations relate to Section 5.2.2.
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		of the Draft Plan, Road Access – N29, however the comments contained within their original submission remain the position of TII.
<p>Response:</p> <p>1. Noted, the NTA stated in their submission to the Draft (Ref. D28) that such a strategy will be prepared in consultation with Waterford City and County Council, Kilkenny County Council and the TII.</p> <p>2. Noted. The Council will ensure this is the case.</p> <p>3. Noted. This policy is enshrined in the County Development Plan 2014, Section 11.7.3 Access to National Roads.</p> <p>4. Noted. The comments contained within the submission to the Draft (Ref. D3) were considered in full, and this consideration is detailed in the Chief Executive's Report on Submissions to the Draft LAP (September 2017).</p>		
<p>Recommendation:</p> <p>No change recommended.</p>		

Ref	Name	Summary
MA4	William Neville and Sons c/o Peter Thomson	The submission states that the summary of the previous submission to the Draft (Ref. D14) was inadequate and therefore Members were not sufficiently informed to agree to the Chief Executive's recommendation.
<p>Response:</p> <p>The submission to the Draft, D14, sought a change in zoning at Abbey Road, Christendom, from Strategic Reserve to low-density Residential. The full text of the submission outlined the case for rezoning in detail. According to the legislation (Planning and Development Act 2000, as amended), the Planning Authority is obliged to "summarise the issues raised". The issue raised in this case was a request for the rezoning of the land. The full text of the submission was made available online at consult.kilkenny.ie, to accompany the Chief Executive's Report, therefore the full text of the submission could be read at any stage, by any person.</p> <p>As this does not form part of the material alterations to the draft plan it is outside the scope of the members to deal with changing the zoning at this stage in the process, as only modifications to the material alterations can be considered.</p>		
<p>Recommendation:</p> <p>No change recommended.</p>		

Ref	Name	Summary
MA5	Port of Waterford c/o SLR Consulting	<p>1. The Port of Waterford Company (POWC) is concerned at the requirement for a 15-20m woodland planting buffer, as proposed under Material Alteration to 5DM3, as this may make small or narrow sites unusable. They seek that such a requirement is considered on a case by case basis.</p> <p>2. POWC welcomes the inclusion of 'essential infrastructure' in Passive Open Space zoning.</p> <p>3. In relation to access to the N29, the PoWC are concerned about the timeframe for the reduction of speed limits and the provision of a</p>

		<p>roundabout. They seek that if no progress is made during the first half of the plan period that the Council commits to undertaking a review of this policy in conjunction with TII, with a view to amending the Plan.</p>
<p>Response:</p> <p>1. The Development Management standard 5DM3 states that “A woodland planting buffer of 15-20 metres will generally be required inside any industrial site boundary unless a suitable alternative mitigation measure is agreed with the Planning Authority”. Therefore there is in-built flexibility to provide for such cases. Issues such as this should be raised at pre-planning stage as part of any development application.</p> <p>2. Noted.</p> <p>3. The Plan will be monitored and reviewed regularly, particularly given the upcoming National Planning Framework and Regional Spatial and Economic Strategies, and also the proposed Metropolitan Area Strategic Plan and the Transportation Strategy (Cross reference MA3 above). In light of these review inputs, it is not considered necessary to add another criterion for review.</p>		
<p>Recommendation:</p> <p>No change recommended.</p>		

Ref	Name	Summary
MA6	Suir Shipping Ltd, c/o SLR Consulting	<p>1. Suir Shipping seeks that the zoning change included under Zoning change No. 3 of the Proposed Material Alteration is reconsidered, to facilitate a flexible approach to the redevelopment of their site.</p> <p>2. In relation to access to the N29, Suir Shipping is concerned about the timeframe for the reduction of speed limits and the provision of a roundabout. They seek that if no progress is made during the first half of the plan period that the Council commits to undertaking a review of this policy in conjunction with TII, with a view to amending the Plan.</p> <p>3. Suir Shipping is concerned at the requirement for a 15-20m woodland planting buffer, as proposed under Material Alteration to 5DM3, as this may make small or narrow sites unusable. They seek that such a requirement is considered on a case by case basis.</p>
<p>Response:</p> <p>1. The draft plan had proposed a change in zoning from RAB to Port Facilities. That change was the subject of a number of submissions to the Draft LAP, where residents expressed concerns about the impact on the residential amenity of Glasshouse Lane of this site forming part of a larger industrial site. Having regard to the issues raised, as part of the Proposed Material Alterations the Council is now proposing to revert the zoning back to Residential Amenity Belview from Port Facilities and Industry. . The concerns as raised in the submissions to the Draft still stand. However it should be noted that the RAB zone allows for Industry as a permissible use, therefore the site can still be redeveloped, but only with appropriate regard to adjacent residential amenity.</p> <p>2. The Plan will be monitored and reviewed regularly, particularly given the upcoming National Planning Framework and Regional Spatial and Economic Strategies, and also the proposed Metropolitan Area Strategic Plan and the Transportation Strategy (Cross reference MA3 above). In light of these review inputs, it is not considered necessary to add another criterion for review. See MA5.</p> <p>3. The Development Management standard 5DM3 states that “A woodland planting buffer of 15-20</p>		

metres will generally be required inside any industrial site boundary unless a suitable alternative mitigation measure is agreed with the Planning Authority". Therefore there is in-built flexibility to provide for such cases. Issues such as this should be raised at pre-planning stage as part of any development application. See MA5.

Recommendation:

No change recommended.

Ref	Name	Summary
MA7	Waterford City and County Council	Waterford City and County Council welcome the inclusion of an objective to reassess the LAP following the National Planning Framework and the Regional Spatial and Economic Strategies. WCCC welcomes the opportunity to consult with Kilkenny County Council in shaping the development of Ferrybank and Belview in the context of the PLUTS Plan and the NPF/RSES in a meaningful manner for the benefit of the entire area.
Response:		
1. Noted		
Recommendation:		
No change recommended.		

4. Next Steps

The members shall consider the Chief Executive's Report, and following this consideration the Local Area Plan shall be deemed to be made or amended by resolution, with all, some or none of the material alterations as published.

If the Members decide to change the material alteration of the plan by resolution, it shall be necessary that the resolution be passed by not less than half of the members of the planning authority.

A further modification to the material alteration:

- may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site,
- Shall not be made where it refers to – an increase in the area of land zoned for any purpose, or an addition to or deletion from the record of protected structures.

A Screening Report for Strategic Environmental Assessment and a Screening report for Appropriate Assessment accompanies the Proposed Material Alterations to the Draft LAP.

5. Summary of Recommendations of the Chief Executive

In total 9 submissions were received on the Proposed Material Alterations to the Draft Ferrybank-Belview LAP from a range of consultees.

The submissions from the Department of Housing, Planning and Local Government and the Regional Assembly are dealt with separately at the start of the report.

This report has assessed all submissions in detail.

I recommend that the LAP be adopted, with the Proposed Material Alterations (except for that discussed under Submission ref. S1), in accordance with this Report and the requirements of the Planning and Development Acts 2000 to 2017.

Colette Byrne,
Chief Executive